



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,563	01/26/2004	Darren Ronald Boisjolie	69448-00020USPT	4037
61/060	7590	02/24/2009	EXAMINER	
WINSTEAD PC			DANG, THANH HA T	
P.O. BOX 50784			ART UNIT	PAPER NUMBER
DALLAS, TX 75201			2163	
		MAIL DATE	DELIVERY MODE	
		02/24/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/766,563 Examiner Thanh-Ha Dang	Applicant(s) BOISJOLIE ET AL. Art Unit 2163
---	--	--

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 09 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.
 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

/don wong/
 Supervisory Patent Examiner, Art Unit 2163

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 8 and 10-13 have been considered but they are not persuasive. The Examiner respectfully maintains the rejection cited for the following reasons: Applicant argues: Applicant respectfully submits that neither Easty nor Dutta discloses the claim 8 feature of providing, in a client application, modules for performing content rating and content filtering.

Examiner responds: Examiner is not persuaded. Dutta teaches the claim 8 feature of providing, in a client application, modules for performing content rating and content filtering in Figures 4, 5, 6 and 7; wherein Figure 4 illustrates client device (410) that inherently includes client application [0017]; wherein modules for performing content rating and content filtering are illustrated in Figure 5 (530, 550), Figure 6 (630), and Figure 7 (730); [0033] wherein the client device sends content requests to the personalized accessibility evaluation provider and receives filtered content from the personalized accessibility evaluation provider, wherein the term "content" as it is used in the present description is intended to mean any electronic information that is retrievable and able to be provided to a client device, wherein content may be web pages including web pages generated using hypertext markup language, wireless markup language, and the like, applications, images, and the like, wherein the term "filtered content" is intended to mean content that has been evaluated for accessibility and compared to user designated accessibility requirements. Thus, the process of comparing, filtering and evaluating content inherently includes rating, and therefore Dutta's teaching read on the above claimed limitation.

Applicant argues: Applicant respectfully submits that neither Easty nor Dutta discloses the claim 8 feature of, for a plurality of monitored computers, utilizing the client application to capture in real time all requests for data as the monitored user accesses digital content.

Examiner responds: Examiner is not persuaded. Dutta illustrates in Figure 1 a plurality of monitored computers represented by client devices and servers. Easty teaches in Figures 3 and 4 column 7 lines 14-22 wherein a signal is received from a client, affinity information is captured therefrom and user profiles are updated in real time using the affinity information that read on utilizing the client application to capture in real time all request for data as the monitored user accesses digital content claimed limitation. Therefore, Dutta in conjunction with Easty teaches the elements of claim 8.